

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

UNITED STATES OF AMERICA ) NO. 3:09-cr-00092-09  
)  
v. ) JUDGE HAYNES  
)  
EMILY LOTT )

UNITED STATES' MOTION FOR DOWNWARD DEPARTURE

Pursuant to § 5K1.1 of the Sentencing Guidelines and 18 U.S.C. § 3553(e), the government ~~for the reasons~~  
moves to depart downward from the applicable guidelines range and mandatory minimum sentence ~~stated~~  
in this case based on the defendant's substantial assistance in the investigation and prosecution of ~~in the~~  
others who committed offenses against the United States. ~~and in open court.~~

According to the presentence report the defendant's sentencing range is 70 to 87 months  
based on an adjusted offense level of 27 and a Criminal History Category of I, taking into account  
the safety valve. The government recommends a downward departure of four levels in the offense  
level, resulting in a final sentencing range of 46-57 months imprisonment.

Section 5K1.1 of the Sentencing Guidelines sets forth five factors that the Court should consider when determining the appropriate reduction after the government files a 5K1.1 motion: (1) the Court's evaluation of the significance and usefulness of the defendant's assistance, taking into consideration the government's evaluation of the assistance rendered;<sup>1</sup> (2) the truthfulness, completeness, and reliability of any information or testimony provided by the defendant; (3) the nature and extent of the defendant's assistance; (4) any injuries suffered or any danger or risk of injury to the defendant or his family resulting from his assistance; and (5) the timeliness of the

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<sup>1</sup> Application Note 3 in the Commentary under § 5K1.1 provides that "substantial weight should be given to the government's evaluation of the extent of the defendant's assistance . . ."